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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,949	08/20/2001	Hiroshi Sugiyama	213078US2SRD	4662
22850	7590	01/14/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BARQADLE, YASIN M	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/931,949	SUGIYAMA ET AL.	
	Examiner	Art Unit	
	Yasin M Barqadle	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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2. Claim 1-3, 6-9, 12-13, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Himmelstein USPN. (6496107).

As per claim 1 and 15, Himmelstein teaches an information exchange apparatus comprising (fig. 1):

Communication information exchange device (radio transponder 22, fig. 1) configured to transmit communication information of a first apparatus to second apparatus (fig. 1, 10) the communication information including identification information (transponder 22 transmits unique identification signal col. 2, lines 53-55), which is used for making the second apparatus to specify the first apparatus start a radio communication (the received information is processed and a control signal is generated to activate voice signal col. 3, lines 1-49);

radio communication device associated with the first apparatus configured to communicate the second apparatus by radio (a transmitter included transponder 22 to communicate with a device 10 col. 56-64); and

controller, connected between the communication information exchange device and the radio communication device (fig. 1, device 24) configured to make the radio communication device to

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start the radio communication with the second apparatus after transmitting said communication information to the second apparatus (after receiving the identification signal by receiver 24, a control signal is generated to activate voice signal col. 3, lines 1-49).

As per claim 2, Himmelstein teaches the information exchange apparatus according to claim 1, wherein said communication information exchange device comprises connector which directly connected the second apparatus when transmitting said communication information (col. 8, lines 21-34).

As per claim 3, Himmelstein teaches the information exchange apparatus according claim 1, wherein said information exchange device comprises a directional radio communication interface including IrDA (Infrared Data Association) (col. 6, lines 46-57 and col.7, lines 44-49).

As per claim 6, Himmelstein teaches the information exchange apparatus according claim wherein said identification information includes at least one apparatus name, connection type, and communication address (Table 1 and col. 3, lines 1-49).

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As per claims 7 and 13 ,Himmelstein teach an exchange apparatus (fig. 1 and 4, system 20 and 201) comprising :

a first device disposed in a remote control associated with a first apparatus (radio transponder 122, fig.4), the first device including transmitter (GPS 158) configured to transmit communication information first apparatus to a second apparatus (fig. 4, 10), the communication information including identification information which is used for making the second apparatus to specify the first apparatus start radio communication (transponder 122 transmits unique identification signal col. 2, lines 53-55 and col. 7, lines 17-52);

a second device configured to receive communication information of the second apparatus ((microcomputer 30, fig. 4 receives a signal from GPS receiver 160) col. 7, lines 31-40), the communication information including identification information which is used for making the first apparatus to specify the second apparatus to start the radio communication (col. 7, lines 17-52 and col. 8, lines 24 to col. 9, line 3;

a radio communication device associated with the first apparatus configured to communicate with the second apparatus by radio (col. 7, lines 31-40); and

a controller configured to make the radio communication device to make the radio communication device to start the radio

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communication with the second apparatus (after receiving the identification signal by receiver 24, a control signal is generated to activate voice signal col. 3, lines 1-49 and col. 7, lines 31-52).

as per claim 8, Himmelstein teaches the information exchange apparatus according to claim 7, wherein said communication information exchange device comprises connector which directly connected the second apparatus when transmitting/receiving said communication information (col. 8, lines 21-34)

as per claim 9, Himmelstein teaches the information exchange apparatus according claim 7, wherein said information exchange device comprises a directional radio communication interface including IrDA (Infrared Data Association) (col. 6, lines 46-57 and col.7, lines 44-49)

as per claim 6 and 12 ,Himmelstein teaches the information exchange apparatus according claims 1 and 7, wherein said identification information includes at least one apparatus name, connection type, and communication address (Table 1 and col. 3, lines 1-49).

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Regarding claim 16, this claim includes similar limitation as discussed in claim 1 and 16 above. Therefore, it is rejected with the same rationale.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claim 14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Herrod et al USPN. (6405049).

As per claim 14 and 17, Herrod et al teach a method of radio communication between ticket gate system and a user's terminal (fig. 14), the method comprising:

reading communication information of the user's terminal from a storing medium which is inserted the ticket gate system through an inlet slot (col. 5, lines 60-65 and col. 9, lines 34-49);

specifying the user's terminal and establishing a connection radio communication by use of the read communication information (col. 3, lines 14-31 and col. 11, lines 28-45);

receiving ticket information from the user's terminal to the ticket gate system based on established connection (col. 3, lines 14-31 and col. 11, lines 28-45);

performing a ticket inspection processing by use the received ticket information (col. 15, lines 61 to col. 16, line 8); and ejecting the storing medium through an outlet processing from the gate system (col. 3, lines 14-31 and col. 11, lines 28-45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein USPN. (6496107) in view of Herrod et al USPN. (6405049).

Regarding claims 4 and 10, although Himmelstein shows substantial features of the claimed invention including an I/O interface that may interface with phones, computers and electronic devices electro-mechanically (col. 7, lines 10-11 and col. 32-34), he does not explicitly show a public phone interface.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Himmelstein, as evidenced by Herrod et al USPN. (6405049).

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In analogous art, Herrod et al whose invention is about a data processing system comprising a portable terminal that interfaces with other devices such as a base station, discloses a data communication comprising a cellular telephone means for conventional telephone communication [Col. 3, lines 32-38 and col. 16, lines 20-40]. Giving the teaching of Herrod et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Himmelstein by employing the conventional telephone communication system of Herrod et al so that user could have guaranteed communication to their desired destination even when they move outside their wireless LAN area (col. 16, lines 20-30).

As per claims 5 and 11, Herrod et al teach an information exchange apparatus according wherein said communication information exchange device comprises cable which is connected to second apparatus when transmitting said communication information (col. 24, lines 2-7).

Conclusion

5. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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